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July 2, 1998

VIA HAND DELIVERY

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

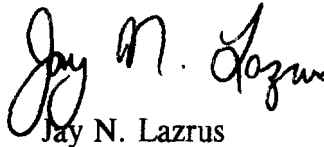
Re: Amendment of Parts 21 and 74 To Enable Multipoint Distribution  
Service and Instructional Television Fixed Service Licensees To  
Engage In Fixed Two-Way Transmission -- MM Docket No. 97-  
217 and RM-9060  
Comments of Petroleum Communications, Inc.

Dear Ms. Salas:

On behalf of Petroleum Communications, Inc., we are transmitting an original and four copies of comments on ex parte presentations in the above referenced proceeding.

Please date stamp the enclosed file copy and return it to the courier for delivery to our office. If you have any questions regarding this matter, please telephone me at (202) 898-5706.

Very truly yours,

  
Jay N. Lazrus

Enclosures

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Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendments of Parts 1, 21 and	)	MM Docket No. 97-217
74 to Enable Multipoint	)	
Distribution Service and	)	File No. RM-9060
Instructional Television Fixed	)	
Service Licensees to Engage in	)	
Fixed Two-Way Transmissions	)	

To: The Commission

COMMENTS OF PETROLEUM COMMUNICATIONS, INC.

Petroleum Communications, Inc. ("PetroCom"), by its attorneys, respectfully submits the following comments to ex parte presentations made in the captioned proceeding.

1. Introduction. On May 21, 1996, Gulf Coast MDS Service Company ("Gulf Coast") filed a petition for rulemaking to amend Parts 21 and 74 of the Commission's rules with respect to licensing in the Multipoint Distribution Service ("MDS") and the Instructional Television Fixed Service ("ITFS") for the Gulf of Mexico. Gulf Coast's petition is still pending with the Commission, and the company has since merged with PetroCom. Therefore, PetroCom has an interest in the potential impact of the captioned proceeding on Gulf-based operations. PetroCom generally supports the proposals set forth in the ex parte presentations made by the wireless cable industry participants who commenced this proceeding (collectively the "Petitioners") and urges the Commission to expeditiously adopt rules in this proceeding.

PetroCom's specific positions on some of the proposals are set forth below.

2. Interference Criteria. The Petitioners' propose that "interference studies conducted in support of any application for a response station hub or booster station calculate undesired signal levels and power flux densities by accumulating all power generated by the primary station, response stations and booster stations applied for or licensed to the applicant." Petitioners' Letter to Secretary at 1 (filed May 13, 1998) (emphasis added). This proposal is unnecessarily broad to prevent interference to neighboring licensees. While PetroCom agrees with aggregating the primary station and booster stations in the analysis, it does not agree that all response stations applied for and licensed -- whether in use or not -- should be included in the calculation.

3. An applicant may be licensed for 1,000 response stations, but perhaps only 100 are in simultaneous operation at any given time. Based on Petitioners' proposal, the applicant would have to include the power generated by all 1,000 response stations, thereby producing a contour far greater than would exist in the real world. PetroCom suggests, in the alternative, that the applicant's maximum number of response stations that will be operated simultaneously in each region using the characteristics of each regional class applicable to each region be used in conjunction with the power generated by the primary and booster stations to calculate the undesired signal levels and power flux densities.

4. An interference study based on the maximum number of response stations operated simultaneously will be more indicative of the applicant's service contour for ascertaining potential interference. Therefore, an applicant will not be unnecessarily limited in the design of their systems while still providing sufficient interference protection to neighboring systems.

5. Power Limitations. In addition, Petitioners propose to limit the power of response stations entitled to operate without a site-specific license to 2 watts and Effective Isotropic Radiated Power ("EIRP") to 33 dBW/6 MHz, so long as the Commission does not foreclose the possibility of increasing the maximum power level for response stations operating under blanket licenses upon proper submission of data supporting such an increase in power. Petitioners' Letter to Secretary at 2 (filed May 13, 1998). PetroCom agrees with the Petitioners but wishes to stress that the final rules should permit response station operators to operate in excess of the maximum power levels if they can show that no harmful interference will result. The proposed maximum power levels will unnecessarily burden system design and operation of MDS licensees in sparsely populated areas, which are not susceptible to the same interference concerns as land-based systems in urban areas. Therefore, the Commission should implement rules sufficiently flexible to permit licensees to exceed the maximum power levels for response stations located in sparsely populated areas upon a showing of no interference.

6. Emission Techniques. Finally, PetroCom agrees with Petitioners' proposal to allow for licensees to utilize quadrature amplitude modulation, digital vestigial sideband modulation, quadrature phase shift key modulation and code division multiple access in emissions but suggests the final rule allow for any modulation technique that enhances the capability of the system and optimizes the use of the spectrum. Petitioners' Letter to the Secretary at 3 (filed May 13, 1998); Petitioners' Letter to the Secretary at C-8 (filed May 15, 1998). The new techniques that will be developed in the future are unknown. Therefore, it is unwise for the Commission to set a bright line that will not evolve with technology advances. As long as the method proposed does not create interference, then the Commission should allow its use. The original rule proposed by the Petitioners in the Notice of Proposed Rulemaking (Section 21.905(b)) provides ample flexibility, while addressing interference concerns.<sup>1</sup> Therefore, there is no need for the Commission to adopt Petitioners' amendment to the proposed rule.

7. Conclusion. PetroCom generally supports the Petitioners' proposals in the ex parte presentations submitted and expeditiously urges the Commission to adopt rules in this proceeding. PetroCom

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<sup>1</sup> In the Matter of Amendments of Parts 1, 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Fixed Two-Way Transmissions, MM Docket No. 97217, Notice of Proposed Rulemaking, 12 FCC Rcd 22,174 (1998).

maintains its position that the rules provide for as much flexibility as possible to permit the use of new techniques and equipment as they become available. Further, as long as incumbent and adjacent market licensees are adequately protected against interference, MDS and ITFS licensees should be provided the latitude under the rules to design their systems to make efficient use of their spectrum.

Respectfully submitted,

PETROLEUM COMMUNICATIONS, INC.

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July 2, 1998

CERTIFICATE OF SERVICE

I, Katrina Blackwell, an employee in Myers Keller Communications Law Group, do hereby certify that on this 2nd day of July, 1998, a copy of the foregoing "COMMENTS OF PETROLEUM COMMUNICATIONS, INC." was delivered via first class mail to:

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